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UNITED STATES OF AMERICA.







THE ORIGIN

—AND—

EQUAL RIGHTS OF ALL MEN,

AND THEIR

POWER TO PROTECT & GOVERN THEMSELVES.

—ALSO—

THE FORMATION OF THE ORIGINAL GOVERNMENT,

AND THE

Origin of the Constitution of the United States.

BY ELI R. LEEDS, ESQ.

BATAVIA, OHIO:

TOWNSLEY & OREBAUGH, PRINTERS.

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Entered according to Act of Congress, in the year 1867,

BY ELI R. LEEDS,

In the Clerk's Office of the District Court of the U. S. for the Southern
District of Ohio.

O P I N I O N

—or—

ELI R. LEEDS, ESQUIRE,
OF BANTAM, OHIO.

If any generation of men ever possessed the right of dictating the mode by which the world should be governed forever, it was the first generation that existed; and if that generation did not do it, no succeeding generation can show any authority for doing it, nor set any up.

The illuminating and divine principles of the equal rights of man—(for it has its origin from the Maker of man)—relates, not only to the living individuals, but to generations of men succeeding each other. Every generation is equal in rights to the generation which preceded it.

by the same rule that every individual is born equal in rights with his cotemporary. Every history of the creation, and every account, whether from the unlettered world, however they may vary in their opinion or belief of certain particulars, all agree in establishing one point—the unity of man; by which I mean that man is all of one degree, and consequently that all men are born equal, and with equal natural rights, in the same manner as if posterity had continued by creation instead of generation, the latter being only the mode by which the former is carried forward; and, consequently, every child born into the world must be considered as deriving its existence from God.

The world is as new to him as it was to the first man that existed, and his natural right in it is of the same kind.

The Mosaic account of the creation, whether taken as divine authority or merely historical, is fully

up to this point—the unity or equality of man. The expressions admit of no controversy:

“And God said, let us make man in our own image. In the image of God created He Him; male and female, created He them.”

The distinction of sexes is pointed out, but no other distinction is even implied. If this be not divine, but history, it is at least historical authority, and shows that the equality of man, so far from being a modern doctrine, is the oldest upon record.

It is also to be observed that all the religions known in the world are founded, so far as they relate to the unity of man, as being all of one degree. Whether in heaven or in hell or in whatever state man may be supposed to exist hereafter, the good and the bad are the only distinctions. Nay, even the laws of Governments are obliged to slide into this principle by making degrees to consist in crimes, and not in persons. It is one of the greatest of all truths, and of the highest advantage to cultivate. By considering man in this light and by instructing him to consider himself in this light it places him in a close connection with all his duties, whether to his Creator or to the creation of which he is a part; and it is only when he forgets his origin, or, to use a more fashionable phrase, his birth and family that he becomes dissolute. It is not among the least of the evils of the present existing Governments in all parts of Europe, that man, considered as man, is thrown back to a

vast distance from his Maker, and the artificial charm filled up by a succession of barriers, or a sort of turnpike gates, through which he has to pass. The duty of man is not a wilderness of turnpike gates, through which he is to pass by tickets from one to the other. It is plain and simple, and consists but of two points. His duty to God, which every man must feel; and respect to his neighbor, to do as he would be done by. If those to whom power is delegated do well, they will be respected; if not, they will be despised; and with regard to those to whom no power is delegated, but who assume it, the rational world can know nothing of them. Hitherto we have spoken only (and that but in part,) of the natural rights of man. We have now to consider the civil rights of man, and to show how the one originated out of the other. Man did not enter into society to become worse than he was before, nor to have less rights than he had before but to have those rights better secured. His natural rights are the foundation of all his civil rights. But in order to pursue this distinction with more precision, it is necessary to mark the different qualities of natural and civil rights. A few words will explain this. Natural rights are those which always appertain to man in right of his existence.

Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the rights of others—civil rights are those which appertain to man in right of his being a member of society. Every civil right has for its foundation some natural right pre-existing in the individual, but to which his individual power is not in all cases sufficiently competent.

Of this kind are all those which relate to security and protection.

From this short review, it will be easy to distinguish between that class of natural rights which man retains after entering into society, and those which he throws into common stock as a member of society. The natural rights which he retains are all those in which the power to execute is as perfect in the individual as the right itself. Among this class, as is before mentioned, are all intellectual rights, or rights of the mind; consequently, religion is one of those rights.

The natural rights which are not retained, are all those in which, though the right is perfect in the individual, the power to execute them is defective. They answer not his purpose. A man by natural rights, has a right to judge in his own cause; and so far as the right of the mind is concerned, he never surrenders it, but what avails it him to judge, if he has not power to redress it. He therefore deposits this right in the common stock of society, and takes the arm of society of which he is a part, in preference and in addition to his own. Society grants him nothing. Every man is a proprietor in society, and draws on the capital as a matter of right. From these premises, two or three certain conclusions will follow:

1st. That every civil right grows out of a natural right; or in other words, is a natural right exchanged.

2nd. The civil power properly considered as such is made up of the aggregate of the class of the natural rights of man, which becomes defective in the individual in point of power, and answers not his purpose, but when collected to a focus, becomes competent to the purpose of every one.

3rd. That the power produced by the aggregate of natural rights, imperfect in power in the individual, cannot be applied to invade the natural rights which are retained in the individual, and in which the power

to execute is as perfect as the right itself.

We have now in a few words traced man from a natural individual to a member of society, and shown, or endeavored to show the quality of the natural rights retained and of those which are exchanged for civil rights.

Let us now apply those principles to government. It has been thought a considerable advance toward establishing the principles of freedom, to say that government is a compact between those who govern and those who are governed, but this cannot be true, because it is putting the effect before the cause, for as man must have existed before governments existed, there necessarily was a time when governments did not exist, and consequently there could originally exist no government to form such a compact with.

The fact therefore must be, that the individuals themselves, each in his own personal and sovereign right entered into a compact with each other to produce a government, and this is the only mode in which governments have a right to be established; and the only principle on which they have a right to exist.

To possess ourselves of a clear idea of what government is, or ought to be, we must trace it to its origin.

In doing this we shall easily discover that Governments must have arisen, either out of the people, or over the people. But it will be first necessary to define what is meant by a constitution. It is not sufficient that we adopt the words; we must fix also a standard signification to it. A constitution is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it can not be produced in a visible form, there is none. A constitution is a thing antecedent to a Government, and a Government is only the creature of a constitution.

The constitution of a country is

not the act of its Government, but of the people constituting a Government. It is the body of elements to which you can refer and quote article after article, and contains the principles upon which the Government shall be established—the form in which it shall be organized—the powers it shall have—the mode of elections—the duration of time any one should serve, or the powers which the Executive part of the Government shall have—and in fine, everything that relates to the complete organization of a civil Government, and the principles on which it shall act, and by which it shall be bound. A constitution, therefore, is to a Government what the laws made afterwards by that Government are to a court of judicature.

The court of judicature does not make laws; neither can it alter them; and the Government is in like manner governed by the constitution.

The American people do not understand their constitution; neither the national compact. The persons so met were not a constitution, but a convention to make a constitution. The national convention of the thirteen original States formed the national compact; the members of it were the delegates of the nation in its original character; future conventions would be the delegates of the nation in its organized character. When in its organized character, and a constitution made, and a clause contained within itself in its original form for its own amendment, and a special article for its own ratification contained therein. A constitution in its original form will point out the mode by which such alterations shall be made, and when they may be done, and not leave it to the discretionary power of the future Government. A government on the firm principles on which constitutional Governments arising out of society are established, can not have the right of altering itself. If

it had it would be arbitrary; it and of right ought to be, free and might make itself what it pleased; independent States," etc., etc., and and wherever such a right is set up, on Thursday, the 4th of July, the it shows that there is no constitu- whole Declaration of Independence tion.

The right of reform is in the na- having been agreed upon, it was tion in its original character, and publicly read to the people. Short-ly after, on the 9th September, it the constitutional method would be was resolved that the words, "Unit- by a general convention elected for ed Colonies," should be no longer the purpose. That all men mean used, and that the "United States of distinct and separate things when America" should thenceforward be they talk of constitutions and of gov- the style and title of the Union.

On Saturday, the 15th November, 1777, "articles of confederation and perpetual union of the United States of America" were agreed to by the States' delegates, subject to the rati- fication of the States severally. Eight of the States ratified these ar- ticles on the 9th July, 1778, one on the 21st July, one on the 24th July, one on the 26th November of the same year, one the 22d February, 1779, and the last one on the 1st March, 1781. Here was a bond of union between thirteen Independ- ent States, whose delegates in Con- gress legislated for the general wel- fare, and executed certain powers, so far as they were permitted by the articles aforesaid. The following are the names of the Presidents of the Continental Congress, from 1774 to 1778:

In reviewing this subject, the cause and circumstances of America present themselves as in the begin- ning of a world; and our inquiry into the origin of government is shortened by referring to the facts that have arisen in the days of our revolutionary fathers. It may not be improper to remind the reader that the United States consists of thirteen States, each of which estab- lished a government for itself, after the Declaration of Independence of the 4th of July, 1776.

On Monday, the 5th September, 1774, there were assembled at Car- penter's Hall, in the city of Philadel- phia, a number of men who had been chosen and appointed by the several colonies in North America to hold a Congress for the purpose of discussing certain grievances im- puted against the Mother country. This Congress resolved on the next day that each colony should have one vote only. On Thursday, the 2d July, 1776, the Congress resolv- ed, "that these United Colonies are,

Peyton Randolph, Va., 5th Sept. 1774.
Henry Middleton, S. Car., 22d Oct. "
Peyton Randolph, Va., 10th May, 1775.
John Hancock, Mass., 24th " 1775.
Henry Laurens, S. Car., 1st Nov., 1775.
John Jay, New York, 10th Dec., 1775.
Sam'l Huntington, Ct., 29th Sep., 1776.
Thomas McKean, Del., 16th July, 1781.
John Henson, Md., 5th Nov., 1781.
Elias Boudinot, N. J., 4th " 1782.
Thomas Mifflin, Penn., 3d " 1783.
Richard Henry Lee, Va., 30 " 1784.
Nath'l Gorham, Mass., 6th Jan., 1785.
Arthur St. Clair, Penn., 2d Feb., 1787.
Cyrus Griffin, Virginia, 23d Jan., 1788.

The seat of government was es- tablished as follows: At Philadel- phia, Penn., commencing Sept. 5th, 1774, and May 10th, 1775; at Balti- more, Md., Dec. 20th, 1776; at Phil- adelphia, Penn., March 4th, 1777; at Lancaster, Penn., Sept. 27th, 1777; at York, Penn., Sept. 30th, 1777; at

Philadelphia, Penn., July 2d, 1778; at Princeton, N. J., June 30th, 1782; at Annapolis, Md., Nov. 27th, 1783; at Trenton, N. J., Nov. 1st, 1784; and at New York City, N. Y., Jan. 11th, 1785.

The constitution was adopted on the 17th Sept., 1787, by the convention appointed in pursuance of the resolution of the Congress of the Confederation of the 21st February, 1787, and ratified by the conventions of the States as follows:

- By Con. of Delaware, 7th Dec., 1787.
- " Pennsylvania, 12th " 1787.
- " New Jersey, 18th " 1787.
- " Georgia, 2d January, 1788.
- " Connecticut, 9th " 1788.
- " Massachusetts, 6th Feb., 1788.
- " Maryland, 28th April, 1788.
- " South Carolina, 23 May 1788.
- " New Hampshire, 21 Jun 1788.
- " Virginia, 26th June, 1788.
- " New York, 26th July, 1788.
- " North Carolina, 21 Nov. 1789.
- " Rhode Island, 29 May, 1790.

The above named States are the thirteen original States, which formed the Union, or the United States, and are the included States, according to the third clause of the second section of the first article. It reads thus:

"Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

"The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumerations shall be made, the State of New Hampshire,

shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

This apportionment, sent from these States, sixty-five Representatives into the Congress of the United States,—1st clause of section 3rd, article 1st.

"The Senate of the United States shall be composed of two Senators from each State, by the Legislature thereof, for six years, and each Senator shall have one vote." So that the States would send 26 Senators, into the Congress of the United States. The thirteen original States, and the States that send delegates to a national convention, appointed in pursuance of the resolution of Congress of the Confederation of the 21st February, 1787.

On the 4th March 1789, the present Constitution which had been adopted by a convention and ratified by the requisite number of States went into operation, (Congress at their first session under the Constitution, held in the city of New York in 1789, proposed to the Legislatures of the several States twelve amendments) ten of which only were ratified. They are the first ten of the following amendments; and they were ratified by three-fourths, the Constitutional number of the States, on the 15th day of December, 1791. The 11th amendment was proposed at the first session of the third Congress, and was declared in a message from the President of the United States to both Houses of Congress, dated the 8th of January, 1795, to have been adopted by the Constitutional number of States. The 12th amendment, which was proposed at the first session of the eighth Congress, was adopted by the Constitutional number of States, in the year 1804, according to a public act

by the Secretary of State, dated the 25th of September, 1804.)

AMENDMENTS.

To the Constitution of the United States, ratified according to the provisions of the fifth article of the foregoing Constitution.

If the first twelve amendments, which have been added to the Constitution, as a part, have become a part of the Constitution, there are no other amendments that can be Constitutional according to the provisions of the 5th article.

The Convention met Congress at Philadelphia in Pennsylvania, and it was composed of 40 delegates, which were not in any manner connected with the government. Washington, who had resigned his generalship, was in no way engaged with the government, neither with Congress, and he was appointed President of the convention. The persons so met, were not a Constitution, but a convention to make a Constitution.

The national convention, strictly speaking, was the personal social compact. The members of it were the delegates of the nation in its original character; future conventions are the delegates of the nation in its organized character.

In this compact, they agreed to the Constitution in its original form, which is composed only of seven articles.—*article 1st, section 1st.*

"All Legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The representation, through apportionment in its original form, was based upon three classes, first, free persons, second, those bound to service for a term of years; Indians and other persons.

The Whig party always claimed those persons, bound to service for a term of years, were apprentices. The Democratic party claimed the three-fifths of all other persons meant

the Negroes,—*article 4th, 1st clause of the confederation.*

The reader will notice in a few words, who was excepted under the articles of the confederation, and see, whether they can be constructed to mean all Negroes, "paupers, vagabonds, and fugitives from justice." This class of persons were not allowed the privileges and immunities as free citizens in the several States. A pauper is a public charge, a vagabond is an unsettled person, without any particular home, and a fugitive from justice is one who has been charged with treason, felony, or other crime, according to the *2nd clause of the 2nd section of the 4th article.*

"A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in an other State, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

This clause does not charge any other persons than males, not her, but he, if proven to be guilty of the crime charged against him, by the laws of his State, he will be sentenced to be kept at hard labor, for a term of years in the State in which he lives.

No individual can set up any claim for this man's labor, unless, escaping into an other, before his term of years has expired, he as an officer may claim him for the State, to which labor may be due.—*4th clause of the 2nd section of the 4th article.*

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

No person can be held to labor, unless for punishment of crime,

which he has committed, and proven to be guilty.

A person bound to service for a term of years, is taken from the apportionment of the included States, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years." John Adams says "that no man dare deny that the slave holding lords of the South, claimed the immunity, and perpetuity over the slave and the slave trade for 21 years." It is 21 years from the adoption of the Constitution, until 1808. Then the words of those which formed the social compact, were fulfilled, and the Constitution was then established with the amendments, which was added to it prior to the year 1808, according to the proviso in the 5th article of the original Constitution, it says.

"Provided that no amendment which may be made prior to the year, one thousand eight hundred and eight, shall in any manner affect the first and fourth clause in the ninth section of the first article."

This brings us back again to the compact, where the amendments originated, and became a part of the original Constitution, according to the provisions of the 6th article. What is the first clause in the ninth section of the first article? It declares, "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." This is proof, positive enough to show any person that wishes to be an American citizen, that slavery never existed by virtue of the Constitution only in its original form, which Congress had not the right under the compact prior to the year 1808, then established, or supreme law of the land.

and guarantee to every State in this Union a republican form of government. But in 1793 Congress passed the fugitive slave law, and it was sanctioned by the supreme court, which gave unconditional law force, as slavery being a national affair, when it was only confined within the compact, while under the British and Colony laws to which they were accustomed, until they could abolish them according to the Constitution, and institute a new government for the protection of life, liberty and the pursuit of happiness, which the Constitution is the embodiment of these principles, when it was established. Slavery being a local matter it belonged only to the States then existing, and were restricted in the thirteen original States until the year 1803.

The fugitive slave law was passed in open rebellion against the Constitution, and sanctioned by the supreme court of the United States, after saying in the original preamble:

"We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Here the Whig and Democratic parties, flew the track, and the supreme court went with them in reference to the slave question." I will illustrate it in this manner, the Constitution is the track, when it was made and amended and ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: according to the 7th article of the original Constitution. Then it shall be the track, or supreme law of the land.

"The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." This proves that no State admitted by the Congress, had any right in carrying out the principles embodied in the supreme law of the land. The government is delineated at the hands of the people, but the constitution is not. The Congress has power, by the 18th clause, section 8th of the first article, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the general government of the United States, or in any department or officer thereof."

This is proof sufficient to show that the constitution is the antecedent of the government of the United States. The Congress of the United States, as they are called since the rebellion of 1793, so that all the political slave powers as claimed, having been considered by each of the political parties that Negro slavery in America was right by virtue of the constitution of the United States of America, after the year 1808, because slavery became the ruling element and both parties courted it, and the majority of each party would put down any one if they could who would offer to abolish slavery.

It was the same way in the churches throughout America. Every reading man ought to be convinced by examining into the American troubles, and seeing what caused them, will soon come to this conclusion: that the American people do not own their constitution, or the constitution of their God. Instead of believing it to be the great edifice which our fathers built, upon the declaration of principles of the 4th of July, 1776, among which is this:

"We hold these truths to be self-evident: that all men are created

equal: that they are endowed by their Creator with certain inalienable rights: that among these are life, liberty and the pursuit of happiness."

Now, after the time appointed for this edifice to be established, all those who were sent there as supporters of the great edifice since that time have almost invariably walked in the footsteps of their predecessors, who commenced rolling the same, in 1793, against the temple of liberty set up by the fathers, to crush out the equal rights of the American people.

It was kept rolling until it rolled over four million of Negroes, when the power that kept it up gave away, and its fall caused hundreds of thousands of lives to be lost, which brought mourning to nearly every family in the United States—mourning for the loss of their friends.

ABSTRACT FROM THE JEFFERSONIAN ORDINANCE OF 1784.

On the 1st of March, 1784, less than one hundred days after the evacuation of our soil by the British army, Thomas Jefferson, from a committee consisting of himself, Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island, (a majority being from Southern States,) reported to the Continental Congress the following ordinance for the government of all the national territory outside the limits of the States, as many have understood only to apply to the north-western territories:

Resolved, That the territory ceded, or to be ceded, by individual States to the United States, whensoever the same shall have been purchased of the Indian inhabitants and offered for sale by the United States, shall be formed into additional States, bounded in the following manner, as nearly as such cessions will admit; that is to say, northwardly and southwardly by parallels of latitude, so that each State shall comprehend from south to north two degrees of latitude, beginning to count from

the completion of thirty-one degrees north of the Equator—(the then southern boundary of the United States)—&c.

“That the settlers within the territory so to be purchased and offered for sale shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of these States, so that such laws, nevertheless, shall be subject to alteration by their ordinary Legislatures; and to erect, subject to a like alteration, counties or townships for the election of members for their Legislatures.

“That such temporary government shall only continue in force in any State until it shall have acquired twenty thousand free inhabitants, when, giving due proof thereof to Congress, they shall receive from their authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves: *provided, that both the temporary and permanent governments be established on these principles as their basis:*

“1st. That they shall forever remain a part of the United States of America.

“2d. That in their persons, property and territory, they shall be subject to the government of the United States, in Congress assembled, and to the Articles of Confederation, in those cases in which the original States shall be so subject.

“3d. That they shall be subject to pay a part of the federal debts, contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

“4th. That their respective gov-

ernments shall be in republican forms, and shall admit no person to be a citizen who holds a hereditary title.

“5th. *That after the year 1800 of the Christian Era, there shall be neither slavery nor involuntary servitude in any of the States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.*

“6th. That whenever any of the said States shall have, of free inhabitants, as many as shall then be in any one of the least numerous of the thirteen original States, such States shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States; after which the assent of two-thirds of the United States, in Congress assembled, shall be requisite in all those cases wherein, by the Confederation, the assent of nine States is now required; provided the consent of nine States to each admission may be obtained, according to the 11th of the Articles of Confederation. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary governments, shall have authority to keep a sitting member in Congress, with a right of debating, but not of voting, &c.

“*That all the preceding articles shall be formed into a charter of compact—shall be duly executed by the President of the United States, in Congress assembled, under his hand and the seal of the United States—shall be promulgated, and shall stand as fundamental conditions between the thirteen original States and those newly described, unalterable, but by the joint consent of the United States, in Congress assembled, and of the particular State within which such alteration is proposed to be made.*”

On a test vote on adopting the anti-slavery provision above, 13

voted aye, and 7 no; but the requisite majority of *States* failing to vote in the affirmative, it was lost. And three years later the ordinance of 1787 for the north-western territory alone was adopted. *Forty-two years* afterwards, Mr. Jefferson, only six weeks before he died, wrote as follows, in reply to a letter asking his views in regard to the ultimate eradication of slavery from the country:

MONTICELLO, May 26, 1826.

DEAR SIR: The subject of your letter of April 20th is one on which I do not permit myself to express an opinion but when time, place and occasion may give it some favorable effect. A good cause is often injured more by ill-timed efforts of its friends than by the arguments of its enemies.

Persuasion, perseverance and patience are the best advocates on questions depending on the will of others. The revolution, in public opinion, which this case requires, is not to be expected in a day, or perhaps in an age; but time, which outlives all things, will outlive this evil also. My sentiments have been forty years before the public, and had I repeated them forty times they would only become the more stale and thread-bare. Although I shall not live to see them consummated, they will not die with me; but, living or dying, they will ever be in my most fervent prayers!

This is written for yourself, and not for the public, in compliance of your request of two lines of sentiment on the subject. Accept the assurance of my good will and respect. THOS. JEFFERSON.

Mr. JAS. HEATON, Middletown, Butler county, Ohio.

AMERICAN SLAVERY.

And what is American Slavery? It is the condition of those of our species who were held and treated in this country as property. In South Carolina they were thus described:

"Slaves shall be deemed, sold, taken, reputed and adjudged in law to be chattels, personal, in the hands

of their owners and possessors, and their executors, administrators and assigns, to all intents, constructions and purposes whatsoever."

The law of Louisiana declared:

"A slave is one who is in the power of the master to whom he belongs. The master may sell him, dispose of his person, his industry and labor; he can do nothing, possess nothing, nor acquire nothing but what must belong to his master."

An act of the State of Maryland declared slaves to be property in these words:

"In case the personal property of a ward shall consist of specific articles, such as slaves, working beasts, animals of any kind, stock, furniture, plates, books, &c., the court, if it shall deem it advantageous for the wards, may, at any time, pass an order for the sale thereof."

An act of the State of Louisiana declared:

"Slaves shall always be reputed and considered as real estate; shall be, as such, subject to be mortgaged, according to the rules prescribed by law, and they shall be seized and sold as real estate."

Hence it appears that the distinguishing principle of slavery is this: Slaves are not to be ranked among rational, immortal beings, but they are to be considered, held and treated as things—as articles of property! I will here show some rewards which were offered for slaves when they ran away from their masters:

\$100 REWARD!—Ran away from the subscriber, living on Herring Bay, Anne Arundel county, Md., on Saturday, 28th January, Negro man, Elijah, who calls himself Elijah Cook; is about 21 years of age, well made, and of a very dark complexion, has an impediment in his speech, and a scar on his left cheek bone, apparently occasioned by a shot.

J. SCRIVENER.

ANNAPOLIS, (Md.) Feb., 1837.

\$200 REWARD. Ran away from subscriber, about three years ago, a

certain Negro man named Ben, (commonly known as Ben Fox.) He is about 5 feet 5 or 6 inches high, chunky made, yellow complexion and has but one eye. Also, one other Negro by the name of Rigdon, who ran away on the 8th of this month. He is stout made, tall, and very black, with large lips.

I will give the reward of \$100 for each of the above Negroes, to be delivered to me or confined in the jail at Lenoir, or Jones county, or for the killing of them so that I can see them. Masters of vessels, and all others are cautioned against harboring, employing, or carrying them away, under the penalty of the law.

W. D. COBB.

LENOIR Co., (N. C.) Nov. 12, 1836.

BROUGHT TO JAIL. In Irwintown, Wilkinson county, (Ga.) Nov. 16, 1837. A Negro man by the name of Jacob, who says he belongs to Heritan Middleton, in Henry county, Alabama. He says he was hired to John Webb, near West Point, in this State. He is about 6 feet high, dark complexion, and slow in speaking. There are no marks discoverable *only* he is VERY BADLY SHOT in the right side and right hand. The owner or owners are requested to come forward, prove property, pay charges, and take him away.

S. B. MURPHY.

MILLEDGEVILLE, Jan., 2, 1838.—*Georgia Journal.*

\$25 REWARD. For the black woman Betsey, who left my house in the Faubourg, McDonough, about the 12th inst., when she had on her neck an iron collar, has a mark on her neck and is about 20 years of age.

CHARLES KERNIN.

—*New Orleans paper, March, 1837.*

The following is an extract from the narrative of James Williams, a slave: While going over our cotton picking for the last time, one of our hands named Little John, ran away. The next evening the dogs were started on his track. We followed them awhile, until we knew by their

ceasing to bark that they had found him. We soon met the dogs returning, their jaws, heads and feet, were bloody. The overseer looked at them awhile and said he was afraid the dogs had killed the "nigger." It being dark, we could not find him that night. Early the next morning we started off with our neighbors, and after searching about for some time we found the body of Little John lying in the midst of a thicket of cane. It was nearly naked, and dreadfully mangled by the dogs, they had evidently dragged it some yards through the cane, blood, tatters of clothes, and even the entrails of the unfortunate man were clinging to the stubs of the old and broken cane.

We dug a hole in the cane-brake, where he lay, buried him and returned home.

PREAMBLE AND EXTRACT FROM THE CONSTITUTION OF OHIO.

"We the people of the Eastern division of the Territory of the United States, North-west of the river Ohio, having the right of admission into the general Government as a member of the Union, consistent with the Constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and of the law of Congress entitled, 'An act to enable the people of the Eastern division of the Territory of the United States, North-west of the river Ohio, to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes, in order to establish justice, promote the welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following Constitution or form of government, and do mutually agree with each other to form ourselves into an independent State, by the name of the State of Ohio."

The preamble to the Constitution of the State of Ohio sets up a claim to be

consistent, both with the Constitution of the United States and the Ordinance of 1787. The Constitution of the State of Ohio is not consistent with the original Union :

1st. The Ordinance of the 13th of July, 1787, claimed to be Jefferson's Ordinance, over the North Western Territory, North of the river Ohio, says that there should not be less than three States nor more than five ; that after the year 1800 of the Christian Era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes whereof the party shall have been duly convicted to have been personally guilty. Jefferson says "they are free males of full age," instead of saying, they are white males of full age.

2d. The Constitution of the United States has not the name "white person" in it. Any person will readily see that after the Fugitive Law of 1793 was passed, that Congress repealed so much of the Ordinance as reads, "to have been personally guilty." and inserted in its place, "provided always that any person escaping into the same from whom labor or service is lawfully claimed in one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor, or service as aforesaid."

Article 6th, Ordinance July 13th, 1787, reads as follows : "There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crime, whereof the party shall have been duly convicted ; provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the Original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor, or service as aforesaid."

The reader will notice that the charges in the Fugitive Slave-Law of 1793 is for committing treason, felony, or other crimes in any one of the Origin-

al States ; escaping into either territory, North-west or South-west of the river Ohio, if found, to be delivered up to be removed to the State from which *he* fled, not *she*. The word "she" is not found in the Constitution of the United States, as claimed in the second and third clauses of SECTION 2d, Act 4th.

The second clause is for those who have committed crime and fled from justice, and when reclaimed and found guilty, he is put to hard labor or service, for a term of years, under the laws of the State from which he fled. The third clause is for persons held to service of labor, after being proven guilty, to be held for a term of years, when escaping into another State, shall, on demand, be given up to such party to whom service or labor may be due.

This could only have been applied to free persons, regardless of color. The laws of the different States held the negro to be chattels, or beasts of any kind. A man is responsible under the laws of any State, for the damage done by his beasts or stock of any kind. It has always been considered a penitentiary offense in any civilized country to mingle with the beasts of the field, and raise stock from them. According to the statistics of miscegenation, the stock of 1860 in America was, 588,352 scattered among the different States as follows :

"There were 411,613 mulatto slaves in the South in 1860, of whom 69,978 were in Virginia, 43,221 in Kentucky, and 36,900 in Georgia. These numbers are considerably beyond the legitimate proportion of those States. There were also 176,733 free mulattoes in the United States in 1860, of whom 106,770 belonged to the South, and 69,060 to the free States. Of the free mulattoes, Virginia contained 23,485, which number, added to her slave mulattoes, makes a total of miscegenated population of 93,824. Her mulatto slaves alone exceeded the total number of mulattoes in the free States. The whole number of mulattoes, slaves and free in the Union, in 1860, was 588,--

352, of whom 69,960 belonged to the free States, and 518,383 to the slave States—a number greater than the combined white population of Arkansas, Delaware and Florida—greater than the white population of Maryland—almost twice as great as that of South Carolina, and twice as great as the combined populations of Delaware and Florida. The mulatto population of Virginia alone exceeds the number of whites in Delaware or Florida.”

This does not speak very well for a nation boasting of its freedom, and religious society; carried on by 37,528 Clergyman or ministers of Jesus Christ; who, in his day went for the universal equality of all men. Yet the American people felt that negro slavery was a divine institution, according to Moses' law, which he enacted after the Ten Commandments were given to him, to give to the heads of the Children of Israel to be observed throughout their generations. Property in man was started by Moses and sanctioned by the Levitical Priesthood, so that when Jesus Christ was born, he being a High Priest after the order of Melchizedec, and not of the order of Aaron, one priest-hood was against the other. Moses claimed, or his followers did, to be the oldest. The last set up was a moral priest-hood; the first an immoral one. The first one not being pleased—it holding to Moses' doctrine; said the other was wrong. The High Priests of the first order being jealous of the last by his doing so much good to the people by means of his miracles, and the half-breeds roaming after him to be healed, the old priest-hood decided that the half-breeds had no rights “that a white man was bound to respect,” and this man was immoral, he drew too many men after him, he was a wine-bibber. There was a wedding down at Canaan, and he was there and made wine for them; he told them there was music and dancing when the Prodigal son came home. They caught a lewd woman and took to him. He said “if any of you are without sin cast the first stone at her.” This is the first time that the Fugitive Slave Law was tried to be enforced by calling upon a moral man. Now they sought to take his life. They went and held a council with one of his pretended followers, who they knew loved money very well, and he agreed to deliver him for thirty pieces of silver to the High Priests, which was the price of a slave as a fugitive under the priest-hood. Now if they put away this moral man into the hottest hell, they know it will stop all other moral man from doing what he has done. So they erected a cross and nailed him to it. As they were about coming out of the city of nations, they had not quite enough help. Simon, a Cyrenian, a stranger from the country, was summoned as a *posse comitatus* to help carry the cross and the fugitive to justice, for he had committed treason against the law of Moses, which is a Divine institution, received on Mount Sinai from God, and let all moral men know that our holy priest-hood is a divine institution. This is the first year the Fugitive Slave Law was ever enforced by a *posse comitatus*. The priest-hood—to kill a moral man, would kill morality. The flesh is nothing but an earthly house for a moral man to worship the God of nature in. Our Savior told the people in his day, that they were the temple of God. Man does not make himself, neither does what a man take into the stomach defile him; it is what proceedeth from the heart, for evil is born in man from his youth. He that defileth his own body defileth the temple of the living God. It is the principle that man possesses which shows whether he believes morality was before he was created or not, or how could he tell whether he had founded his principles upon morality unless he had gathered them from Nature itself. Religion may be termed the actions of man towards the God of Nature and to his fellow men.

We will come down to the year 1775, when the Declaration of Independence was declared by the Fathers, and the

Thirteen Colonies under the control of Great Britain, said that they should of right, be free and independent States, and they went for the universal equality of all men. Still this morality was opposed again by the priests. The same spirit was here to oppose them for declaring "peace and good will toward all men;" as they had opposed it over seventeen hundred years before. These were composed of some wine bibbers and some infidels—the same spirit against morality or the gifts of Nature. All that is created is a gift of Nature, whether legal or illegal, after it is born, so far as man is concerned. This same spirit against morality has been carried on ever since the Constitution of the United States of America was adopted. General Washington in speaking of it says, "it is a free Constitution and the work of your own hands, and it is expected for every one to obey the established Government, for it is laid upon the immutable principles of private morality, and preeminence of free government." The same spirit began in 1793, to crush out morality and put down the work of the Fathers, for they were infidels. One of the leading spirits of that day opposed the universal equality of all men, and Thomas Jefferson spoke openly against him. The same spirit now says they want every vestige of Jefferson's works stricken out, for he was an infidel. This is the same spirit that tried to tear down the temple of morality in the beginning. It was the same spirit which decided that "a negro had no rights which a white man was bound to respect;" that sanctioned slavery all over the United States. In 1850 the same spirit had got into both parties, and they passed the Fugitive Slave Law and the Compromises"—non-intervention by Congress either in state or territory," which established slavery all over the United States. This is the second *posse comitatus* established by man and claimed to be a divine institution. I heretofore spoke in reference to the Constitution of the State of Ohio—the word white is contrary to the Constitution of the United States according to the Second Clause, Act Sixth.

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby—anything in the constitution or laws of any state to the contrary, notwithstanding"—the Constitution of Ohio after the year 1806, in its original form was the time to have amended it, but our fathers considered it good enough for themselves and their posterity. The word white in it was always an objection to a true Republican who is in favor of universal suffrage. This was the same spirit that caused all of our troubles in America in 1852, forty-four years after the time appointed, according to Section 5th, Act 7th, to alter it, and after the fathers were all dead, or those at least who had any Republican principles in them.

Article 7th, Section 5th of amendments to the Constitution of Ohio says: "That after the year one thousand eight hundred and six, whenever two-thirds of the General Assembly shall think it necessary to amend or change this Constitution, they shall recommend to the electors at the next election for members to the General Assembly, to vote for or against the Constitution; and if it shall appear that a majority of the citizens of the State, voting for representatives, have voted for a convention, the General Assembly shall, at their next session, call a convention, to consist of as many members as there be in the General Assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the General Assembly; who shall meet within three months after the said election, for the purpose of revising, amending or changing the Constitution. But no alteration of this Constitution shall

ever take place, so as to introduce slavery or involuntary servitude into this State.

A RESOLUTION PASSED BY THE DEMOCRATIC CONVENTION, IN 1855.

Resolved, "That the people of Ohio, now, as they have always done, look upon slavery as an evil, and unfavorable to the development of the spirit and practical benefits of free institutions, and that entertaining these sentiments, they will at all times feel it to be their duty to use all power clearly given by the terms of the national compact to prevent its increase, to mitigate and finally eradicate the evil."

The above is a *plank* in the Democratic platform, adopted at the 8th of January Democratic State Convention, at Columbus, 1855. C. L. Vallandigham was chosen temporary Chairman of the Convention. Judge Jewett, of Muskingum County reported the resolutions.

The resolutions, including the one above, were published in the *Clermont Sun* of June 28th, 1855. L. B. Leeds was the editor of the *Sun* at the time the resolutions were published.

POLITICAL DEFINITIONS.

1. *Sovereignty* is the highest power. Thus for a state or nation to be sovereign, it must govern itself without any dependence upon another power. It must have no superior. But when a community, city or State, makes part of another community or state, and is represented with foreign power by that community or state of which it is a part, then it is not a sovereign.

2. *Government* is the whole body of constituted authority. Thus, from the very origin of society, one portion of the people have exercised authority over the rest. The authority thus exercised is called the government, and it derived its just power from the consent of the governor.

3. *Law* is a rule of action. In this general sense it signifies the rules of action, and constitutes alike the rules by which the heavenly bodies move—nations are governed and the plants grow. Law, in a political sense, how-

ever, signifies a rule of human action. In a particular State, it is a rule prescribed by the Supreme power in the state, commanding what is right, and forbidding what is wrong.

4. *Constitution* is the constituted form of government. It is the fundamental law, the regulations which determine the manner in which the authority vested in government is to be executed. It is delineated by the hand of the people.

5. *A Despotism* is that form of government "in which a single individual, without any law, governs by his own will or caprice." An example of this kind of government may be found in Turkey, where the Sultan exercises all the powers of sovereignty with respect to the general administration of public affairs; but, even there, he is limited by certain customs and rules, as it respects private justice.

6. *A Monarchy* is that form of government in which a single individual governs—but according to established laws. The governments of Austria, Prussia, France and England, are examples of this form of government. The limitations placed upon the monarchs are, however, very different in degree. Thus, the power of the Prussian monarch is very great, while that of the King of England is so small as scarcely to be felt. The latter acts through his ministers, who are held responsible to the representatives of the people, and can maintain this power only so long as they can satisfy public opinion.

7. *A Republic* is that form of government in which the whole people or only a part of the people, hold sovereign power. The people of Athens were formerly an example of the first kind of republic, and governed themselves by primary assemblies of the people, a mode which could only be adopted where the people were chiefly citizens and inhabitants of one capital city. In modern times the United States are an example of the same kind of republic, with this difference, that the people do not govern

themselves by their assemblies, but by delegates, or through the principle of representation. An example of the second kind of republics may be found in Venice, Genoa and the Dutch States, in all of which a part of the people, either absolutely or limitedly, exercise the authority. The difference between these kind of republics will be understood from the following definition :

8. *A Democracy* is when the sovereign power is in the hands of the whole people. The term Democracy is derived directly from the Greek word *Demos*, signifying the people.

9. *An Aristocracy* is when the sovereign power is in the hands only of a part of the people. This word is likewise of Greek derivation. It is compounded of the adjective *aristos*, signifying best or wisest, and *kratos*, signifying power or strength ; the whole word signifies that form of government in which a few of the wisest and best govern. Both Democracies and Aristocracies are Republics.

10. *A party* is any number of persons confederated by a similarity of objects and opinions in opposition to others. An illustration of this may be found anywhere. In England the Whigs and Tories are two great parties which have long divided the Nation. In France, during the Revolution, the Jacobins and Royalists were violently opposed. On the Continent of Europe generally, there are the parties of the Liberals and Absolutists. In the United States, the Federal and Democratic parties divided the country till the termination of the last war.

11. *A Faction* is any number of persons whether majority or minority, confederated by some common motives, in opposition to the rights of other persons, or interests of community. The difference between party and faction then is, that the former is a difference of principle, and is founded on a general or public opinion ; the latter may have any motive, however personal or selfish, and be directed toward

any end, however little connected with the public welfare. Thus two divisions of the people differing as to how the government shall be administered, are parties ; but a section whose object is to keep one portion of the people from the enjoyment of power, or to aggrandize any individual, or to divide among themselves all the officers of State, is a faction.

12. *A Legislature* is the law-making power. Thus, in a republic, it is that branch of the government in which the people have vested the power to make laws.

13. *Congress* is a meeting for the settlement of national affairs, whether relating to one or more nations. In the United States, the National Legislature is called the Congress ; in Europe, a conference of different powers by their ministers is called a Congress ; as the meeting of ambassadors at Layback, was called the Congress of Layback.

14. *Legislative*, that which relates to law-making.

15. *Executive*, that which relates to the execution of the laws. Thus, the chief officer of the government, whether he be called king, president or governor, is denominated the executive ; for on him, in most cases, the constitution devolves the duty of executing the laws.

16. *Judicial*, that which relates to the administration of justice. Thus, judicial duties are those which devolve upon the judges, who have to decide upon what is law, and to adjudicate between private rights.

17. *Statute law* is the express written will of the legislature, rendered authentic by prescribed forms. Thus, the statutes of Ohio are the laws enacted by the Legislature of Ohio. It follows, from this definition in connection with those of the constitution and legislature, that statutes can be binding only when first, they are executed according to the prescribed forms ; and secondly, when they are consistent with the Constitution ; for, the Constitution being the fundamental law crea-

ted by the people themselves, all other laws are inferior to it.

18. *Common Law* is that body of principles, usages and rules of action which do rest for their authority upon the positive will of the legislature. In other words, it consists of those customs and rules to which time and usage have given the sanction of law. Of such, it is plain, must be the great body of the laws of every people; for the rules of business and the usage of society are so variable and complicated, as to be incapable of being made permanently the subject of statute law. The will of the Legislature being, however under the limitation of the Constitution, that of the people, statute law is superior in force, to common law; and wherever they are inconsistent with each other, the latter is abrogated by the former.

19. *A Corporation* is defined to be a body politic, having a common seal. It is an artificial or political person, maintaining a perpetual succession by means of several individuals united in one body through a common seal. They have a legal immortality, except so far as they are limited by the law of their creation. These were originally created for purposes of charity, trade, and education; but are now used for all purposes in which it is wished to transact a common property. Thus, all banks, turnpike companies, colleges and charitable societies are examples of corporations.

20. *Charter*, is the act creating the corporation or separate government, the privileges bestowed upon the commonwealth, or a society of individuals. It is derived from the Latin term, *charter*, signifying a writing.

21. *A Court* is defined to be a place wherein justice is judicially administered. In our country, and in the New England States especially, a court has sometimes had another signification, that of the legislative body; thus, the general court of Massachusetts is the legislature. The former is, however, the correct meaning.

22. *Municipal*, relating to corpor-

ation. Municipal laws are civil or internal, in opposition to national or external laws. Thus, laws relative to the decent of property, are municipal laws; but laws relative to war, the army, and many others are external and national.

23. *Jurisdiction* is extent of legislation. Thus, a court has jurisdiction over certain things, as all sums over a certain amount, when its legal authority extends over them. A government has jurisdiction over a certain territory, when its power extends over it.

24. *Impeachment* is a public accusation, by a body authorized to make it. Such were the charges preferred by the British House of Commons against Warren Hastings, Governor-General of India; and in this country by the House of Representatives, against Samuel Chase, one of the judges of the Supreme Court.

25. *Verdict* is the true saying of a jury. It is the answer which a jury makes to the court and parties, when the plaintiff and defendant have left the cause to their decision.

26. *Diplomacy* signifies the intercourse which is carried on between different nations by means of their ministers or agents.

27. *Revolution* is a radical change in the government of the country. It may be made in various ways; by force and blood, as in France, 1792; by the expulsion of one family and settlement of another, as in England, in 1688, and in France, in 1830, or by a separation of one part of a country from another, as in the United States, in 1776. Thus, also, all acts in opposition to the laws, and which are not legitimate under the Constitution, are revolutionary, because their tendency is the overthrow of the laws.

28. *Ex-Post Facto*—An *ex-post facto* law is a retrospective criminal law. A retrospective law is one which acts upon things already done, and not merely upon those which are to be done. Thus, if the Legislature should pass an act, declaring that all persons

who had not attended church last year should be imprisoned, that law would be unconstitutional, because *ex post facto*. But if the legislature should pass an act that those who had attended the militia duty last year should be excused from paying taxes, and those who had not should not be excused, such a law would be retrospective, but not *ex post facto*; because not criminal, which were not so before.

29. *A Bill of Attainder* is a special act of the legislature, inflicting capital punishments upon persons supposed to be guilty of high offences, such as treason and felony, without any conviction in the ordinary course of judicial proceedings. If it inflicts a milder punishment, it is called a bill of pains and penalties.

30. *The Ballot* signifies the ball or ticket by which persons vote at an election. To ballot, signifies voting by ballot, *i. e.*, by ball or ticket. Formerly voting was altogether *viva voce*, that is, by the voice; the elector designating by name the person voted for; now, elections are generally made by ballot. The name of the person voted for is written on the ticket, and deposited in a box.

31. *Quorum*, is such a number of any body as is necessary to do business. Thus, when it is said there shall be eleven directors of any institution, and seven shall constitute a quorum; seven is the number necessary to do business; and unless the contrary is expressed, a majority of a quorum only is necessary to a decision. Hence it often happens that less than a majority of the whole decide important questions.

32. *Indictment*—An indictment is a written accusation of one or more persons of a crime or misdemeanor, preferred to, and presented upon oath by a grand jury.

33. *Taxes*—All contributions imposed by the government upon individuals, for the service of the State, is called taxes, by whatever name known. Thus, the tithes imposed upon the people of England for the support of church government is a tax. So also

imports, duties, excises, &c., are taxes.

34. *Habeas Corpus*—This is the citizen's writ of right in cases where he is aggrieved by illegal imprisonment and for the personal liberty of individuals. The habeas corpus act is next in importance to the constitution, for so long as this statute remains, no citizens can long be detained in prison except in those cases in which the law requires and justifies such detainure; lest this act should be evaded by demanding unreasonable bail or sureties for the prisoner's appearance, it is declared by a subsequent act or amendment right, to the original constitution: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The habeas corpus act can only be suspended in cases of rebellion or invasion, when the public safety may require it.

In America the writ of habeas corpus has caused a great deal of disputing as to who has the power to suspend the writ of habeas corpus, whether Congress or the Executive has the power as it reads in clause second of the ninth section, first article: "The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it." E. D. Mansfield with a great many other leading lights think that the act can only be suspended (and that for a short and limited time) by Congress, in cases of extreme emergency, during which suspension suspected persons may be imprisoned without assigning any reason for its being done. In such cases the nation parts with a portion of its liberty for a time, in order as it is presumed to preserve the whole forever. This is a false construction of the Constitution. Congress is the law-making power. All acts of Congress or bills passed by that body, which do not receive the President's signature, stands vetoed. It, when sanctioned by the Judicial authority, is considered a law, whether it is constitutional or not, if sanctioned by both the Presi-

dent and Judicial authority. Although Congress may have been wrong at different times since the passage of the Fugitive Slave Law, in 1793, when the majority had no regard for their oaths, and trampled under foot the minority, by claiming three-fifths of all the persons to be the negroes, at that time (there being 600,000, equal to 360,000 white men) in representation in Congress. In 1787 only 40,000, north of Maryland, but not being satisfied with this, took those bound to service for a term of years and enacted the Fugitive Slave Law; but of this class of persons, leaving the North one class, the free persons, and holding two classes themselves. Now this gave them the power and they used undeligated authority, and the minority could not do anything—the majority was bound to rule, right or wrong, and did not care for anybody. Then Washington said, “the unity of your government which constitutes your one people, is also made dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquility at home—your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize.”

Jefferson and Madison, both spoke in the resolutions of 1798 and 1799, against undelegated authority, which does not come within the compact. They say, “that in cases of an abuse of the delegated powers, the members of the general government being chosen by the people, a change by the people would be the Constitutional remedy. but where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy; that every State has a natural right in cases not within the compact, to nullify, of their own authority all assumptions of power within their limits.”

The definition of *habeas corpus* was taken from the law dictionary, contained in the treasury of knowledge. Congress cannot suspend any part of the Constitution, it only enacts laws in accordance with the Constitution in the

Government of the United States. When the National Convention met to make the Constitution, it was adopted article, by article, by the Convention in Congress assembled. When it came to the 5th article, the Convention left it discretionary with Congress to propose the amendments and mode of ratification of the Constitution, and of the amendments. The Convention restricted Congress within the compact, that no amendment which they should make prior to the year 1808, should in manner effect the first and fourth clauses in the ninth section of the First Article. This is positive proof that no other convention ever could meet to make another Constitution in Congress assembled, in its original form, without a gross violation of the first one. The last Article, which is the 7th, was proposed by Congress, says the ratification of the Constitution and the amendments, should be by the convention of nine States for the establishment of it between the States so ratifying the same. Future conventions would only be for the ratification of the amendments by the same States. This shows that Congress has not the right to suspend the writ of *habeas corpus*. The Convention proposes in section 4th of the Fourth Article that, “The United States shall guarantee to every state in the Union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the Legislature cannot be convened,) against domestic violence.” This proves it to be an executive right to suspend the writ of *habeas corpus*. When it is a notional insurrection it is the duty of the executive authority to suspend the writ, or a portion of the Constitution to preserve the balance. If in cases of a domestic violence in a state the Executive of a State has the right to suspend the writ, it being the 2d clause in the Ninth Section of the First Article. It is the second clause among the State Rights—any man that denies there was not power to abolish slavery in the United States, (which

are the thirteen original states after the year 1808) he neither is a statesman or a christian, and instead of altering or abolishing their government. (that is against the rights of man,) they are trying to abolish the Constitution so a man cannot have any rights. If the Devil had passed a Fugitive Slave law before Jesus Christ got the power to do His will, or execute his laws according to the Father's words, He gave him executive power to suspend the writ of *habeas corpus*, and go down into hell and chain the Devil a thousand years. Let any man prove that this is not an executive right, if they can.

Daniel Webster says the Constitution of the United States is not a league Confederacy, or compact between the people of the different States in their sovereign capacity: but a government proper, founded on the adoption of the people, creating a direct relation between itself and individuals.

THE FOLLOWING IS A LIST OF QUESTIONS FOR THOSE WHO UNDERSTAND DIVINITY, TO ANSWER.

1st. When is the seed of the woman to bruise the serpent's head?—*Genesis, 3d chapter, 15th verse.*

2d. When is the seed of the serpent to bruise his heel?—*Same.*

3d. When was the seed of the woman born?—*Gal. 3d., 16th, and 4th, and 4th.*

4th. When did the old serpent get the first head on?—*Rev. 12th and 3d*

5th. Where did the Devil stay during the flood?

6th. Where did the angels stay who had sinned and were cast down to hell to be judged? "And the old world was in the water a hundred and twenty days"—*Gen. 7th, 24th, and 2d. Peter 2d and 4th.*

7th. Was the great dragon, which is called the old serpent, the Devil and Satan cast out of heaven with his seven heads and ten horns, before the flood or not?—*Rev. 12th. 9th.*

8th. What world does the seed of the woman bruise the serpent's head in?

9th. What world does the seed of the serpent bruise his heel in?—*Gen. 3d. 15th.*

10th. Which is the oldest, the seed of the woman, or the seed of the serpent with the seven heads and ten horns?—*Rev. 12th, 9th.*

11th. At what time was the enmity between these two seeds, to bruise each other?

12th. Who was blessed with the promise of the seed of the woman?

13th. How many hundred years after the promise until the seed of the woman was born?

14th. How many worlds are mentioned in the bible?

15th. What does the forty days and forty nights mean, that the rain fell upon the antedeluvian world?—*Gen. 7th, 4th.*

16th. Why did Noah open the window of his ark at the end of forty days?—*Gen. 8th, 6th.*

17th. What do the words "forty days and forty nights" mean as used by Moses in connection with the getting of the commandments?

18th. What do the words "forty years" mean as used in reference to the length of time the Jewish rulers should rule?

19th. What does Jonah mean when he says "And yet forty days and Nineveh shall be destroyed?"

20th. What is meant by the words "forty days and forty nights" as used *Mat. 4th, 2d.*

21st. Who was the devil that tempted God in the wilderness forty years?

22d. What did Jesus Christ mean when he said to the Jews these words, "ye are of your father the devil who tempted God in the wilderness forty years?"

23d. What does Peter mean when he says Jesus Christ showed himself alive after the passion to the apostles forty days, and spoke of things pertaining to the kingdom of God?—*Acts 1st, 3d.*

24th. Why is it that the beast with the seven heads and ten horns comes out of the sea and is bound a thousand

years and he is only to continue forty and two months?—*Rev. 13th, 5th.*

25th. Who made the mistake: "The old devil that was chained a thousand years in the bottomless pit?"—*Rev. 20th, 1st.*

26. What beast is it that ascended out of the bottomless pit and shall make war against the two witnesses when they shall have finished their testimony?—*Rev. 11th, 7th.*

27th. What dragon gave power and seat and great authority to the beast that rises out of the sea?—*Rev. 13th, 2d.*

28th. What beast arose out of the sea and got the seat and authority with his seven heads and ten horns on?—*Rev. 13th, 1st.*

29th. Where did the beast with the seven heads and ten horns come out of, sea, the ocean, or see, to beheld?—*Rev. 13th, 1st.*

30th. What beast is it with seven heads and ten horns that carrieth the women referred to in?—*Rev. 17th, 5th, 7th.*

31st. What beast is it that has power given him to make war with the saints, and overcome them and all kindreds and tongues and nations?—*Rev. 13th, 7th.*

32d. What beast was it that got power over the saints of the Jewish world?

33d. What beast was it that fought the battle of the great day of God Almighty called Armagedden?—*Rev. 16th, 14th and 16th.*

34th. What angel was it that was seen flying in the midst of heaven, having the everlasting gospel to preach to every nation, and kindred, and tongue, and people?—*Rev. 14th, 6th.*

35th. What beast with two horns arose up out of the earth and spake as a dragon?—*Rev. 13th, 11th.*

36th. What beast is it that exerciseth all the power of the first beast be-

fore him, and causeth the earth and them which dwell therein, to worship the first beast whose deadly wound was healed?—*Rev. 13th 12th.*

37th. By what authority did Jesus Christ chain the two horned beast as claimed by the American Bible Society?

38th. What was the first beast referred to in—*Rev. 13th 12th?*

39th. Who was it gave the two horned beast his seat and authority?—*Rev. 13th 11th.*

40th. Who is the beast who causes the people to receive his mark in the forehead or in the right hand, and whose number is 666?—*Rev. 13th, 16th.*

41st. Before the foundation of what world was Paul chosen and predestinated unto the adoption of children by Jesus Christ?—*Eph. 1st, 4th and 5th.*

42d. Who is Melchizdeck King of Salem, King of righteousness, or King of peace, without father or mother, without decent, having neither beginning of days or end of life, but made like unto the son of God abideth a priest continually?—*Heb. 7th, 1 and 2.*

43d. When was the order of Melchizdeck issued that Jesus Christ should be made a high priest, like unto the son of God?—*Heb. 7th, and 17th, 21st.*

44th. Have the new heaven and new earth been created yet?—*Rev. 21st, 1st.*

46th. Has the Holy City, the new Jerusalem, ever come down from God, out of heaven, prepared as a bride adorned for her husband?—*Rev. 21st, 2d.*

46th. When was the wall of the city that had twelve foundations laid, and in them the names of the twelve apostles of the lamb?

47th. When were the nations saved to walk in the light of this city?—*Rev. 21st, 24th.*

E R R A T A .

Page 8, 1st column, 7th line from bottom, read—excluding Indians not taxed, three fifths of all other persons.

Page 10, 1st column, 7th line, read—in going against carrying out, &c.





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